IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the 11th day of November 2003
Bail Application No. 1016 of 2003
Order on the bail application of accused.

CRIMINAL SIDE

1.Mohammad Noor S/o Gulamuddin,
2. Mohammad Sharif S/o Gulamuddin
Residents of Moh. Khatyari, P.S. Ramnagar,
District Nainital …Applicant

Versus

State of Uttaranchal ----------Opposite party

Arising out of case crime No. 716/2003
U/S 147, 452, 363, 366, 376 IPC
Police Station –Ramnagar.
District- Nainital.

By the Court

Hon'ble Irshad Hussain J.

Heard Smt. Pushpa Joshi, learned counsel for the applicants and learned A.G.A. for the State.

Although there is allegation of kidnapping and rape but the girl Mir Bibi in her statement gave out that her nikah had been performed with Mohammad Noor. On medical evidence she was found more than 16 years of age. The other applicant-accused is the brother of the said alleged- husband. Considering this it is fit case for bail.

The applicants-accused Mohammad Noor and Mohammad Sharif shall be released in crime No. 716/2003 under sections 147, 452, 363, 366, 376 I.P.C. P.S. Ramnagar District Nainital on their executing a personal bond and two sureties each in the like amount to the satisfaction of C.J.M. Nainital.

(Irshad Hussain, J.)

Dt. 11.11.2003

Rawat